



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Scot Tomaszewski for Congress
Verna Paul, Treasurer
706 Park Blvd.
Cherry Hill, NJ 08002

DEC 07 2016

RE: MUR 6913

Dear Ms. Paul:

On January 28, 2015, the Federal Election Commission notified Scot Tomaszewski for Congress and you in your official capacity as treasurer (the "Committee") of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. Based upon information contained in the complaint, as well as information provided by the Committee, the Commission decided to exercise its prosecutorial discretion to dismiss the complaint and close the file in this matter. Accordingly, the Commission closed its file in this matter on November 23, 2016. The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

If you have any questions, please contact Wanda D. Brown, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Scot John Tomaszewski for Congress, Inc. **MUR 6913**
and Paul Verna, as treasurer

I. INTRODUCTION

This matter was generated by a Complaint filed on January 22, 2015, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by Scot John Tomaszewski for Congress, Inc. and Paul Verna in his official capacity as treasurer (collectively the "Committee").¹ It was scored as a relatively low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

The Complaint alleges that the Committee violated the Act by failing to disclose certain receipts and disbursements.² Specifically, the Complainant alleges that the Committee failed to file its 2014 post-general election report, and failed to disclose disbursements related to refurbishing a limousine owned by the candidate and used by his campaign.³ The Complainant

¹ Scot John Tomaszewski ran as an independent candidate for New Jersey's 1st Congressional District in 2014 but lost that election. He ran for the same seat again in 2016 but lost to the incumbent. *See* <http://www.nj.gov/state/elections/2016-results/2016-unofficial-general-results-house-of-representatives.pdf>.

² Compl. at 1 (Jan. 22, 2015). At the time of the complaint, the Complainant, Letitia Tomaszewski, was the candidate's estranged wife and the President of S.T. Electric, Inc. She attaches to her complaint an order from the Superior Court of New Jersey instructing the candidate and his LLC entities not to interfere, directly or indirectly, with S.T. Electric customers or vendors. The Complainant believes, based on the debts disclosed in the 2014 pre-general election report, that the candidate violated the Order, and states that it is imperative that the Committee indicate on its 2014 post-general election report whether the debt was eliminated.

³ *Id.*; Att. 2.

1 notes that the Committee's 2014 pre-general election report does not disclose any contributions
2 or operating expenses, but does report "a large amount of debt."⁴

3 The Committee responds that the 2014 post-general election report was filed late because
4 the Treasurer was waiting for information from the candidate.⁵ The Committee further explains
5 that the limousine was in running condition before the campaign and denies it had been
6 refurbished.⁶

7 Committee treasurers are required to file reports of receipts and disbursements in
8 accordance with the provisions of the Act and Commission regulations.⁷ In addition to an
9 authorized committee's regular quarterly reports, in any year where there is a regularly scheduled
10 election for which a candidate is seeking election, or nomination for election, the treasurer shall
11 file a post-general election report, which shall be filed no later than the 30th day after any
12 general election.⁸

13 The Committee filed its 2014 post-general election report on January 2, 2015, 29 days
14 late. The report does not disclose contributions or disbursements for the Committee. There is no
15 further information that would suggest that the report should include disbursements related to the
16 limousine mentioned in the complaint. The report does, however, disclose just over \$26,000 in

⁴ *Id.*

⁵ Resp. at 1 (Feb. 5, 2015). Treasurer Verna states that although he knew the candidate was involved in divorce proceedings, he was not aware of the order potentially restricting the Committee from using certain vendors.

⁶ *Id.* The Committee contends that the limousine merely needed to have its battery reconnected.

⁷ 52 U.S.C. § 30104(a)(1) and (2), 11 C.F.R. §§ 104.1 and 104.3(a) and (b).

⁸ 52 U.S.C. § 30104(a)(2)(ii).

1 debt incurred at the beginning of the campaign.⁹ The Committee continues to file disclosure
2 reports with the Commission, however, it discloses no current financial activity.

3 Therefore, in furtherance of the Commission's priorities, relative to other matters pending
4 on the Enforcement docket, and considering the fact that the 2014 post-general report was 29
5 days late and reflected minimal campaign activity, the Commission exercised its prosecutorial
6 discretion and dismissed the matter.¹⁰

⁹ Most of the debt, just over \$20,000, is owed to Eastern Sign Tech and is reportedly related to a "banner, airplane, and airspace." The remainder of the debt appears to be low dollar obligations, including debt for payment to the Committee treasurer for filing reports and for campaign items, including business cards and yard signs. *See* <http://docquery.fec.gov/pdf/521/14031262521/14031262521.pdf>.

¹⁰ *Heckler v. Chaney*, 470 U.S. 821 (1985).